DEQ – Air Quality Division
SUMMARY OF NEGOTIATED RULEMAKING
REGIONAL HAZE
Docket 58-0101-0601
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PARTICIPANTS

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Dalton, Michael - Amalgamated Sugar
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Rockwell, Ken - Wallowa Whitman Forest (participated by telephone)
Simon, Mike - DEQ-Stationary Sources
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Willey, Bob - J.R. Simplot
Wittmeyer, Jane - Intermountain Forest Assn.
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Heitman, Phyllis - DEQ-AQ Management Assistant

Mike Edwards called the meeting to order at 9:30 a.m. on March 21, 2006 at the Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho. Participants introduced themselves.

STRAWMAN RULES

Mary Anderson walked the group through three sets of rule revisions (see attached) that reflect required elements of the SIP: definitions, regional haze requirements, construction activities, and smoke management.

The new "xxx" numbered sections captioned Regional Haze Rules will be placed after the NAAQS and PSD sections of the existing rule. Some language was taken from a rule drafted by Oklahoma, who is also incorporating by reference.

There were questions and discussion about the following:

- Modeling for sources as a group instead of individually
- Diminimus levels - revise draft Section xxx.03.e.iii.
- Setting of distance trigger in Section 203 and in the draft construction activities rules
- Definition of sources in draft construction rules
- Is Montana-Idaho Air Group aware that Idaho's regional haze rules may impact their program

Group members were asked to review the draft rules and submit redline/strikeout revisions to DEQ in care of Phyllis Heitman by close of business on April 7, 2006. DEQ staff will review the comments and prepare a revised draft for the next rulemaking meeting.

Smoke Management

Dan Redline presented a brief overview of the smoke management work being done by the Montana-Idaho Airshed Group. This program deals with forestry and range burning in Idaho and Montana. It was formed in 1990 for the North Idaho region and expanded to include Southern Idaho in the late 1990's. Members include federal land managers, state land managers and a number of large private land managers. The program operates from March 1 through May 30 and September 1 through November 30. The program shuts down in the summer due to the high fire danger. Weather conditions usually preclude activity in the winter. The federal land managers supply the staffing needed to run the program including the meteorologist and the program manager. The burners pay a fee based on acres burned and the fees are managed by the Airshed Group to aid in covering their operating costs. This program is voluntary for Idaho.

Land owners request burns on a daily basis. A meteorologist develops a forecast for the following day. A program manager evaluates the requested burns and air quality and decides whether to approve the burns. DEQ has a network of monitors that the program manager accesses to aid in making his burn decisions. Modeling programs such as Blue Sky aid in forecasting pollution from fires. Burn information is posted on the Airshed Group website.

Krista McIntyre asked how the visibility impact is assessed in issuing a burn approval and how might the evaluation review change in light of the new visibility SIP. Mr. Redline responded that visibility has not been part of the criteria in making burn decisions, however, the Group is aware they will be required to manage smoke for health-based standards as well as for visibility. They have not gone beyond the point of recognizing that tools to implement the visibility rules must be developed.

Mr. Edwards asked what the benefits are to the burners for participating in the program. Most of the benefit is public perception and in helping them to conduct appropriate burning practices. For federal land managers, it is a requirement in their fire plan to have those elements in place. Mr. Wilkosz said these issues would probably be more appropriately addressed by the WRAP Fire Forum and EPA.

Montana has a mandatory permitted program through rule or statute. Burners pay fees based on calculated emissions. Thomas Dzomba said Montana has full compliance by land managers. There are a couple of small burners who may or may not be participating in the Airshed Group, however, even if they do not participate they are still required to go through the permitting process.

Lisa Kronberg asked Mr. Edwards if EPA will be able to approve that part of the visibility SIP if the burning program remains voluntary. He said DEQ will have to work with EPA on that issue.

Jane Wittmeyer commented that the large forest land owning companies in Idaho at the time this program was started was very concerned about the impact of prescribed and slash burning and keeping the program voluntary. They were instrumental in putting this program together. The association thinks it is working very well. Many of the large companies own significant amounts of land in Idaho and they want to be good neighbors. Most of the association membership are enrolled in the program and follow it conscientiously. They stepped to the plate years ago and are fully supportive.

The state agricultural burning program through the Crop Residue Disposal rules is a statewide registration program. In the ten Northern Idaho counties fees are paid with the registration based on acres to be burned and there is an enforcement component. An evaluation is done on the number of acres and locations that can be burned each day. The Southern Idaho counties are not subject to a fee and there is no enforcement. The Southern Idaho program is a burn-no-burn program versus the Northern Idaho program that requires approval to burn a specific numbers of acres at one time.

Robert Wilkosz went through the nine components of the WRAP recommended Enhanced Smoke Management Program and listed the components that already exist in Idaho's programs. DEQ, Department of Lands and Department of Agriculture have worked extensively over the past decade.

1. Actions to minimize emissions from fire: chose when to burn as far as moisture in the fuels; forest has protocols; agricultural burners have protocols for crackle tests

2. Evaluation of smoke dispersion: all programs have high quality evaluations of smoke dispersion; state of the art tools paid for by EPA that have been developed in the Pacific Northwest specifically for this purpose

3. Alternatives to fire: one of the weakest areas in the nine-point plan; Department of Agriculture asserts there are no alternatives to fire for Kentucky Bluegrass burning;

alternatives would be mechanical treatments or reuse of residues; University of Idaho and other universities are doing research on alternatives; alternatives to fire may not be practical due to the sheer volume of fuels in the forest and range

4. Public notification of burning: good notification; websites available; Department of Agriculture has enhanced their system; media and newspaper; Forest Service has annual programs

5. Air quality monitoring: monitors are placed through the Pacific Northwest for NAAQS protection; Idaho is reducing monitoring due to funding cutbacks at the federal level

6. Surveillance and enforcement

7. Program evaluation: annual evaluations of all the smoke management programs

8. Burn authorization: well developed; compliance within the agriculture community in Southern Idaho is a significant question

9. Regional coordination: some exists; enhanced tools in Clear Sky and Blue Sky models; all the plans need work in this area

Mr. Edwards said there two areas that will need additional work for the SIP are tracking number and location of acres burned, and addressing some of the Southern Idaho issues. For the most part Idaho's smoke management system should meet EPA requirements for approving SIP.

At some point the agricultural practices may need to be looked at separately from forestry practices. Most of the forestry burning is done in the fall until snow falls and in the spring. Foresters are out of the woods for fire purposes during the summer and winter when the 20% worst days occur. Given this natural cycle of forest practices, perhaps there is not a lot more that can be done by the forestry industry. It was mentioned that the Department of Lands has the Forest Practices Act that makes some mention of air quality impacts.

There are many groups that should be involved in these discussions; perhaps a sub-group should be formed. Possible participants are:

- Forest Service
- BLM
- Intermountain Forest Association
- Idaho Forest Owners Association
- Department of Lands
- Department of Agriculture
- Food Producers
- Farm Bureau
- Idaho Cattle Association

- Grass growers
- Grain producers
- Krista McIntyre

Ms. Anderson suggested that one rulemaking meeting should probably be devoted to smoke management.

CONCEPTUAL MODEL OF OTHER CONTROL FOR NON-BART SOURCES

Mr. Edwards presented information on control measures for non-BART sources (see attached). To set progress goals, Idaho must provide for an improvement in visibility for the 20% worst days and ensure no degradation occurs for the 20% best days. Reasonable progress goals would be set at or below the projected glide path.

Dean Delorey asked how the glide path was decided. Ms. Anderson stated the natural condition value was calculated by EPA and appears in the Guidance for Estimating Natural Visibility conditions. She said, in the case of Craters of the Moon, the green glide path line takes the baseline average of 14 down to the natural condition number of 7.14. The natural condition values are set by EPA. The 13.3 value is the number WRAP achieved through modeling using CMAQ and growing the emissions to 2018. The model took several items into account: reductions from controls already on the books for many of the SO_2 sources; many of the mobile sources; all the controls that are coming on line in the future; retirement and replacement of certain units and facilities; and growth throughout the area, specifically growth through the EGU's. It does not include BART or other controls.

Idaho can develop a different natural condition value, but DEQ must justify why that number is more appropriate than the EPA estimate. It is possible that the EPA value could be refined. Mr. Edwards said there is ongoing discussion on changing the way EPA calculates the visibility impact equation and it could affect the glide path.

There was considerable discussion about the glide path and the consequences of moving away from it. Mr. Wilkosz asked if EPA would approve the SIP if the group decided to adjust the glide path.

Mr. Delorey asked at what point the emission inventory and CMAQ data will be final so that this group will know control measures are necessary. Mr. Edwards responded that sources must put on all control measures that are reasonably feasible even if the source is meeting the visibility standard.

Mr. Edwards listed and discussed the six steps to use in developing control measures (see attached presentation):

Step 1. Visibility impacts on Class I Areas.

Step 2. Determine source contributions in and near Class I Areas.

Mr. Edwards said that at this point DEQ has the information it needs for Steps 1 and 2. The data is being reviewed and evaluated in-house. No additional information is needed from sources at this time. Ms. McIntyre wondered if sources are comfortable with the 2002 data reflected in the inventories that are being used to make projections and decisions. Mr. Edwards stated that there may be instances where data for specific facilities may need further review. The data was taken from the 2002 NEI. Ms. Anderson said she plans to summarize the assumptions that went into development of the 2018 data - such as growth, retirement, and woodstoves - and bring that data to the rulemaking group for review and input.

Step 3. Determine if control measures are feasible.
This is the first cut at listing possible control measures. This group will decide if the measure was politically feasible - for instance, paving all the roads in a Class I area - and eliminate those that are not acceptable. All source types should be involved in these discussions. Mr. Edwards said DEQ will do a literature search to identify and review all available control measures.

Step 4. Identify and summarize candidate control measures.
This step would take the most feasible measures identified in Step 3 and review cost effectiveness. DEQ could look at rules from other states' who have implemented these measures.

Step 5. Review control measures for feasibility.
The most practical measures will be brought to the rulemaking group for review. Ranking and scheduling would also be part of this Step - how and when they will be implemented and when the reductions will occur.

Step 6. Selected control measures - analyzed for emission reductions and scheduling consideration for the Regional Haze SIP.
This step takes the work developed in Steps 1-5 and passes it on to WRAP for inclusion in their model.

Mr. Edwards mentioned the concern some members have about the rulemaking timelines and not having the final rule in place for inclusion in the SIP. If reasonable controls measures are identified, the SIP could identify an additional percentage of emission reductions that will occur and explain those additional reductions will be going through the rulemaking process. This is an approach used by California.

Ms. McIntyre asked how the six-step process interacts with the other items that have been discussed including the content of the draft rules. Mr. Edwards responded the content of the draft rules reflects what is required by the federal Regional Haze Rule. Idaho also has to show reasonable progress. The six-step process is the outline for meeting those additional progress goals. Ms. Anderson said WRAP will be developing

the basic control measure data and this group will decide which measures are reasonable for Idaho. Some measures may require a rule change. WRAP will need control measure data decisions by September in order to include it in the model.

There was considerable discussion about fugitive dust. Mr. Edwards commented New Mexico is currently doing a lot of work on dust control since that is a major issue in their state. Also, the WRAP Dust Forum developed a Fugitive Dust Handbook including a calculation feature to use in determining cost effectiveness. Mr. West commented that due to this issue the Association of General Contractors may wish to participate in this rulemaking.

Mr. Delorey commented that data control is a big concern as is the lack of detailed information from source types like mobile sources. Mr. Edwards said it is appropriate to use estimates on some source types because conducting comprehensive inventories similar to maintenance plan inventories would not be practical to do. Ms. Anderson said WRAP's quality assurance is very detailed. Ms. Anderson said DEQ can produce a summary of WRAP data and place it on the DEQ website. If anyone would like to review a specific emission inventory, they can make that request through Phyllis Heitman.

SCHEDULE FOR NEXT MEETING

The next negotiated rulemaking meeting was scheduled for April 13, 2006 from 8:30 a.m. – noon at the DEQ State Office Building in Boise. *(Note: Due to scheduling conflicts, the meeting was subsequently rescheduled to April 19.)*

Agenda will include:

- Review of Second Draft of Rules
- Emission Inventory Data
- Modeling Protocol, if available
- Apply Conceptual Model to One Class I Area

The meeting adjourned at 11:50 a.m.